

**Town of Milton
Planning and Zoning Commission
Minutes
September 21, 2004**

Members Present:

**Linda Rogers
Mike Filicko**

**Dean Sherman
Bob Kerr**

**Denny Hughes
Eric Evans**

Herb Dutt

1. Public Hearing on Signage – Section 8 of the Town of Milton Zoning Ordinance.

Planning and Zoning will hold a public hearing on proposed changes to the Town of Milton Zoning Ordinance Section 8 – Signage. The proposed changes include flags, temporary signs and political signs.

Dean Sherman opened the public hearing and asked Eric Evans to read the proposed changes to the signage section of the zoning ordinance. Mr. Evans proceeded to read the proposed changes to the record. The read was as follows:

Add to list of Definitions:

Flag – A usually rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation), as a signaling device (open) or as a decoration. National flags and flags of political subdivisions shall not be considered flags for the purpose of this Article.

Change 8.0.8 to read as follows:

8.0.8. Temporary signs.

1. Real Estate signs such as but not limited to, "For Sale", "To Let" or "Household Sale" signs relating to the premises and containing the name, address and telephone number of the owner or authorized agent, or both. Such sign shall not exceed six (6) square feet in area in the Residential Districts, and sixteen (16) square feet in all other districts. Individual properties in excess of two (2) acres shall be permitted signs not to exceed thirty-two (32) square feet. Not more than one (1) such sign shall be permitted for each street frontage and may not be illuminated or impede pedestrian traffic. No permit is required.

2. Contractor signs shall not exceed sixteen (16) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign per contractor per site.

3. Announcement signs stating the future use of the building enterprise or subdivision announcement shall not exceed thirty-two (32) square feet in any

district. A sign permit is required; the fee shall be determined by Town Council and included in the fee schedule.

4. Temporary signs must be removed within fourteen (14) days after the intent of business of the sign is complete.

8.0.9 Political signs.

1. No artificially illuminated signs of any type are allowed.
2. Size is limited to six (6) square feet per side.
3. Signs must be free standing.
4. No more than one sign per candidate is allowed per lot.
5. Signs may be erected no sooner than ninety (90) days prior to any contested election or referendum and shall be removed within fourteen (14) days following the election or referendum.
6. No sign shall be placed closer than twenty-five (25) feet to an intersection.
7. No political signs shall be erected in a right-of-way.
8. No permit is required.

Add Section 8.0.10

8.0.10 Flags

1. When installed over a public sidewalk the bottom of the flag shall be no less than 6 (six) feet above the established sidewalk.
2. The flag shall not impede pedestrian traffic along public sidewalks.
3. The size of the flag shall be no larger than 3 (three) feet by 5 (five) feet.
4. Flags displayed by businesses within the Town Center District shall be limited to the hours, which the business is open, or dawn to dusk.

After the reading Mr. Sherman asked if there was any additions or comments from the commission. Hearing none Mr. Sherman asked if Bob Kerr had any comments, he did not. He then asked Tim Willard if he had any comments. Mr. Willard stated: The changes are fairly minor and the only major change to this section was the time frame for the placement or posting of the signs was extended to 90 days which actually makes the ordinance less stringent. Mr. Evans stated the difference between the Sussex County ordinance and ours was the removal time frame and the size limitation. Mr. Sherman asked if anyone present would like to make a comment on the changes. Mr. Bryan Dolan asked for a clarification on the time frame. Does this include primary elections? It was stated that this time frame is for any election or referendum to include even school board elections.

With no further comments the Planning and Zoning Commission moved to have the changes sent to council for their review and adoption with Herb Dutt making the motion and Denny Hughes seconding the motion. All voted in favor of the motion.

2. Public Hearing on Rezone of property at 614 Federal St. 2-35-20.11 9.00.

Planning and Zoning will review the application from Cannery Village LLC for the Rezoning of parcel 2-35-20.11 9.00 from R-1 Zoning District (Single Family Residential) to R-3 Zoning District (General-Multi-Family Residential). Becker Morgan Group, Inc filed the application.

Dean Sherman opened the public hearing and introduced the application. Mr. Sherman asked if anyone was here to represent the application. John Hopkins from Cannery Village LLC. and Greg Moore from Becker Morgan Group stated they are representing the application and proceeded to explain the reason for the rezone. Mr. Moore explained that the rezone was to increase the density of the housing. They are not planning to include in the site any other uses permitted in the R-3 zoning except for Townhouses, Duplex's and possible a couple single-family homes. The intent was to improve the character of the neighborhood.

Bob Kerr stated:

1. The proposed zoning allows for approximately 43 units as apposed to approximately 12 units under current zoning.
2. The pumping station located along Federal St does not have the capacity to accommodate any development in this area at this time. However this does not have an impact on the Rezone decision.
3. Water for the site will need to be provided by the 10" line, which was present for the office park previously.

Mr. Larry Huffman who lives on the other side of the RR tracks stated he felt 40 homes in this area was to many. Mr. John Hopkins explained to Mr. Huffman that there would be approximately 60' of buffer between his property and the development due to the Rails for Trails project.

Eric Evans stated that this is consistent with the Towns comprehensive plan and the State Planning Office felt that it was keeping with the intent by remaining residential.

After further discussions Planning & Zoning decided to defer any decision until their next meeting and referred it to Town council to hold their public hearing and to defer their decision until P&Z can make their comment to them. Linda Rogers made the motion with Mike Filicko seconding the motion. Mr. Dutt stated he did not see any reason to defer the decision and said he had enough information presented to him top make a decision. A vote was cast and all voted to defer except Mr. Dutt.

3. Public Hearing on Rezone of property on Route 5 2-35-20.00 56.00.

Planning and Zoning will review the application from Carey Properties LLC for the Rezoning of parcel 2-35-20.00 56.00 from R-1 Zoning District (Single Family Residential) to R-1 Zoning District with an overlay of LPD (Large Parcel Development). Land Tech Land Planning LLC filed the application. Also Planning and Zoning will review the application from Carey Properties LLC for an LPD (Large Parcel Development) Master Plan. Comments will be forwarded to Milton Town Council for their review. Land Tech Land Planners LLC filed the application for Carey Properties LLC.

Dean Sherman opened the public hearing and introduced the application. Mr. Sherman asked if anyone was here to represent the application. Jeff Clark stated he along with Mr. David Rutt, Mr. Wiggley and Mr. Carey were present. Mr. Rutt proceeded to explain the rezoning/overlay of the LPD District. After Mr. Rutt concluded, Mr. Clark proceeded to explain the Master Plan of the development for the LPD District. Mr. Clark stated that the owners are in contact with the school district to do a land swap for access to the Cannery Subdivision and the ownership of the storm water pond. Mr. Clark stated that the developers intend to maintain the storm water pond for the development and the school. Mr. Clark and Mr. Wiggley proceeded to explain the layout, housing stock intended, parks, trails, wetlands, tree stock and the importance of preserving as much of the natural features as possible. The presentation was very informative and after it concluded Mr. Sherman asked if any members had any comments. Bob Kerr and Eric Evans made comments and recommendations for the commission to consider. Mr. Blake Thompson stated he was apposed to the Carey Subdivision connecting to the Cannery Subdivision. It was stated by Eric Evans that the intent was to develop a Town with through streets. It was also stated that the Town at the first meeting with the property owners would like to have connecting streets. Further evidence of his remark is evident with the Cannery Subdivision being required to provide a 50' Right-of Way to Miss. Wilkins property for future growth. Mr. Thompson stated he and his partners are in opposition of connecting the properties with a road, and the Carey property could use route 5 for access since the two entrances were only about 600 yards from each other. Mr. Rutt read a section from the Town of Milton Subdivision Ordinance Section 17-22, explaining connectivity of the streets. At this time the public hearing was closed.

Planning and Zoning discussed among themselves various issues and determined to recommend to Mayor and Town Council that the property be rezoned to R-1 LPD overlay however they would like to write their conditions for council to consider when approving the Master Plan for the subdivision.

The motion was made to recommend to council to rezone the property from R-1 to R-1 LPD and to hold off on any decision in regards to the Master Plan.

Planning and Zoning recommended that Jeff Clark work with the Town of Milton in writing conditions to be established for the subdivision and forwarded to P&Z for their review.

All voted in favor of the LPD overlay and conditions to be compiled with the Town to be returned to P&Z at a later date.

4. Cannery Village LLC. – Phase IIA and IIB 2-35-20.11 Parcels 52.00, 53.00, 2-35-20.00 57.00, 57.01

Planning and Zoning will review the application for an LPD major subdivision and if all conditions are met, may grant final approval. The site plan is for Cannery Village Phase IIA and IIB. Cannery Village LLC filed the application.

The applicant requests to reschedule do to needing more time.

The P&Z meeting was closed.